

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: CHRYSLER-DODGE-JEEP
ECODIESEL MARKETING, SALES
PRACTICES, AND PRODUCT
LIABILITY LITIGATION

This Document Relates to:

OPT-OUT CASES

Case No. [17-md-02777-EMC](#) (JSC)

**ORDER RE: OPT OUT DISCOVERY
DISPUTE**

Re: Dkt. Nos. 786, 787

Now pending before is a letter “Motion” from the FCA and Bosch Defendants regarding a dispute as to some opt-out plaintiffs’ failure to preserve their EcoDiesel Trucks and a motion by Plaintiffs to strike the letter. (Dkt. Nos. 786, 787, 791.) Defendants’ unilateral letter is not an appropriate procedural device to move the Court for relief, whether it be Judge Chen or this Court. Accordingly, Plaintiffs’ Motion to Strike is GRANTED.

If Defendants intend to properly move for the relief sought by the letter, then they must first meet and confer by video with Plaintiffs. Defendants must advise Plaintiffs on or before October 12, 2020 whether they wish to pursue the matter and, if so, the parties must schedule the video meet and confer to occur on or before October 19, 2020. If after the video meet and confer there is still a dispute, then Defendants may file a properly noticed motion. Since Defendants are seeking terminating spoliation sanctions they should file a motion pursuant to Civil Local Rule 7-2 rather than a joint discovery dispute letter brief. Such motion, if any, must be filed on or before October 29, 2020.

This Order disposes of Docket Nos. 786 and 787.

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IT IS SO ORDERED.

Dated: October 8, 2020


JACQUELINE SCOTT CORLEY
United States Magistrate Judge